

APPENDIX A: 24-Hour Accessibility and Joint Jurisdiction Domestic Violence Protocol

TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL 3RD JUDICIAL CIRCUIT AND DISTRICT CHRISTIAN COUNTY

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Procedure and Practice (FCRPP) Section IV, this local domestic violence protocol is established to ensure twenty-four hour accessibility to emergency protective orders and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the circuit/family and district courts.

I. Uniform Protocol for Processing Cases

- A. Circuit court clerks shall process domestic violence cases in accordance with the procedures set forth in the “Domestic Violence Proceedings” section of the Kentucky Circuit Court Clerk’s Manual.
- B. All cases will be assigned a “D” case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type. If an Emergency Protection Order (EPO) is issued, the Deputy Circuit Clerk shall schedule a domestic violence hearing with the Family Court Judge.
- C. Domestic violence matters may be reassigned from the district court division to circuit/family court when there is a dissolution/custody proceeding pending.
- D. No jurisdiction shall adopt a blanket “no-drop” policy. Domestic violence cases are civil matters within the purview of CR 41.01.
- E. Domestic violence cases may be reassigned or transferred to another circuit under the following circumstances:

If it is discovered that a dissolution or child custody proceeding is pending in another county in the Commonwealth of Kentucky, the Christian Circuit Court, Family Court Division shall retain jurisdiction to conduct a hearing and issue the Domestic Violence Order (DVO), if appropriate. However, if the Christian Circuit Court, Family Court Division, determines that in the interest of justice or judicial economy that the case should be heard by the Court with competent jurisdiction over the dissolution or child custody proceeding, then consistent

with FCRPP 12, when a case is transferred to another circuit due to a pending dissolution or custody matter, an emergency protective order shall continue and the summons shall be reissued by the initiating court, pursuant to KRS 403.740(4), for a period not to exceed fourteen days if service has not been made on the adverse party by the date of transfer, or as the court determines is necessary for the protection of the petitioner. Thereafter, reissuance of the summons shall occur as needed in the court of transfer.

II. Twenty-four Hour Accessibility

- A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **during** regular business hours:

All domestic violence petitions or motions shall be filed with the Deputy Circuit Clerk, who has been designated by the Christian Circuit Clerk as the clerk of the domestic violence session.

- B. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **after** regular business hours and weekends:

Pursuant to KRS 403.730, individuals and agencies authorized to take a domestic violence petition include the Christian Circuit Clerk, all sworn Deputy Clerks, Christian County Jailer and all sworn Deputy Jailers, Christian County Sheriff and all sworn Deputy Sheriffs, Christian County Attorney and all sworn Assistant County Attorneys, Commonwealth Attorney's Office and all sworn Assistant Commonwealth's Attorneys, the Chief of Police for the City of Hopkinsville and all sworn officers within the Police Department, any Kentucky State Police Officer, all sworn Special Deputy Clerks at the Sanctuary, Inc., or any other individual authorized by the court.

If the victim of domestic violence is female, then the victim can receive assistance and file a domestic violence petition at the Sanctuary, Inc., the domestic abuse shelter in Christian County. If the victim of domestic violence is male, then the victim can receive assistance and file a domestic violence petition at the Hopkinsville-Christian County Emergency Communications Center.

- C. Upon receipt of a petition **during** regular business hours, the authorized agency/officer shall present the petition to the following:

The Deputy Circuit Clerk shall deliver the petition to any District Judge or Circuit Judge for consideration and, if appropriate, signature. The Deputy Circuit Clerk shall first attempt to locate the local on-call Judge and if that Judge is unavailable, the Deputy Circuit Clerk shall then locate any District Judge or Circuit Judge available. In the event no Judge can be found in Christian County, Kentucky, then the said petition shall be presented to any Family Court Judge, District Judge, Trial Commissioner, or Circuit Judge in any surrounding county, who may sign and issue an Emergency Protective Order (EPO) if deemed appropriate.

- D. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to:

Any person authorized to take the domestic violence petition shall call the appropriate on-call Judge. If the on-call Judge is unavailable, then they shall call any District Judge or Circuit Judge. The original documents, including the petition and Emergency Protective Order (EPO), shall be delivered to the Circuit Clerk's office as soon as possible the next business day. In the event no Judge can be found in Christian County, Kentucky, then the said petition shall be presented to any Family Court Judge, District Judge, Trial Commissioner, or Circuit Judge in any surrounding county, who may sign and issue and Emergency Protective Order (EPO) if deemed appropriate.

E. Petitions will be reviewed within an hour of presentation to a judge or trial commissioner unless it is impossible due to the unavailability of a judge or trial commissioner.

F. The schedule for domestic violence hearings is as follows:

All Civil Domestic Violence cases shall be set for any Tuesday morning (within fourteen (14) days of the issuance of the petition) at 9:00 AM in the Christian Circuit Court, Family Court Division, 100 Justice Way, 2nd Floor, Hopkinsville, Kentucky 42240.

III. Contempt Proceedings

A. Pursuant to KRS 403.760, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive.

B. Petitioners seeking to initiate contempt proceedings should contact:

1. Any person alleging a violation of either an Emergency Protective Order (EPO) or Domestic Violence Order (DVO) shall be permitted to file a request for a Forthwith Order of Arrest, a Civil Show Cause Motion or a Criminal Complaint for a Criminal Violation of an EPO/DVO.

2. A request for a Forthwith Order of Arrest or a Show Cause Motion can be filed with the Christian Circuit Clerk's Office during office hours. A request for a Forthwith Order of Arrest or a Show Cause Motion can be filed with the Hopkinsville-Christian County Emergency Operations Center or Sanctuary, Inc. after office hours. The procedure to present to a Judge shall be the same as filing the initial petition above.

3. A Criminal Complaint for Criminal Violation of an EPO/DVO is available twenty-four hours a day and seven days a week by the victim contacting the Hopkinsville-Christian County Emergency Operations Center (i.e. "911") and the on-call Christian County Attorney completing the necessary paperwork for signature by the on-call Judge. Any warrantless arrests by a police officer shall be treated as a Criminal Violation of an EPO/DVO.

4. All Forthwith Orders of Arrest and Civil Show Cause Motions alleging a civil violation of a Domestic Violence Order (DVO) shall be heard by the Christian Circuit Court, Family

Court Division according to the Rules for the Christian Family Court. Criminal violations shall be heard by the criminal division of District Court or Circuit Court, as applicable

- C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing or to prosecute a criminal violation of a protective order.

IV. MISCELLANEOUS PROVISIONS

- A. No Domestic Violence Order (DVO) issued in this jurisdiction shall be termed "temporary" as this may prevent entry of the DVO into the LINK system. Instead the DVO should be issued for a number of days certain which shall be determined at the hearing on this matter.
- B. If the DVO needs to be extended, the Court can do so provided the requirements of KRS 403.750(2) are met. If the Deputy Circuit Clerk's Office discovers that a Domestic Violence Order (DVO) was entered against a member of the military stationed at Fort Campbell, Kentucky, then the Deputy Circuit Clerk shall deliver a copy of the DVO to the Family Court Staff who shall fax a copy of the DVO to the Provost Marshall's Office at Fort Campbell.

V. SUPPORT STAFF

The CHRISTIAN COUNTY ATTORNEY'S OFFICE has attorneys to assist victims of domestic violence to acquire the protection they request and to discuss potential criminal charges relating to the underlying incident. Phone (270) 887-4114.

The SANCTUARY SPOUSE ABUSE CENTER assists victims to complete petitions, when requested. They also provide shelter and counseling for victims. Phone (270) 885-4572.

The ARMY FAMILY ADVOCACY OFFICE assists victims of domestic violence who are members of the military or who are dependents of a member of the military. They also provide counseling for victims who meet their requirements. Phone (270) 412-5500.

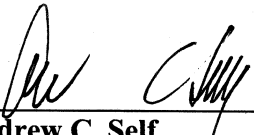
The HOPKINSVILLE-CHRISTIAN COUNTY EMERGENCY COMMUNICATIONS CENTER is responsible for service and entering into LINK. They also assist male victims of domestic violence after hours. Phone (270) 890-1300 or 911 within Christian County.

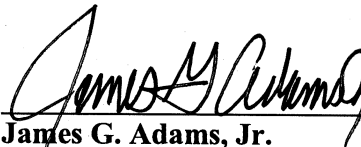
The CHRISTIAN COUNTY CIRCUIT CLERK'S OFFICE assists victims to complete petitions, when requested. Phone (270) 889-6541.

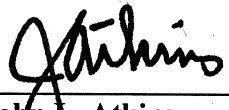
The DEPARTMENT OF DEFENSE CHRISTIAN COUNTY TASK FORCE is a task force set up under the Department of Defense to assure that services provided to members of the military and their dependents receive services for domestic violence victims and perpetrators. This task force also helps assure that there is a consistency of services between Christian County, Kentucky, and Montgomery County, Tennessee. This program is run through Sanctuary, Inc. Phone (270) 885-4572.

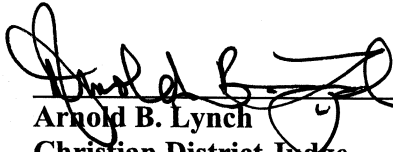
All general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

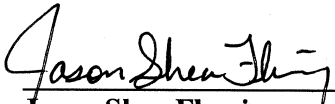
The above protocol is adopted by all judges in the circuit/district:

 /Date 3/15/12
Andrew C. Self
Christian Circuit Judge
Division I

 /Date 3/15/12
James G. Adams, Jr.
Christian District Judge
Division I

 /Date 3/14/12
John L. Atkins
Christian Circuit Judge
Division II

 /Date 3/15/12
Arnold B. Lynch
Christian District Judge
Division II

 /Date 3/14/12
Jason Shea Fleming
Christian Circuit Judge
Family Court Division
Division III